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Animal Welfare Enforcement

1974

**REPORT OF THE
SECRETARY OF AGRICULTURE
TO THE
PRESIDENT OF THE SENATE
AND THE
SPEAKER OF THE HOUSE OF REPRESENTATIVES**



United States Department of Agriculture • Issued March 1975

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INTRODUCTION

The Laboratory Animal Welfare Act of 1966, as amended by the Animal Welfare Act of 1970, (referred to as the Animal Welfare Act), empowers the Secretary of Agriculture to establish standards to regulate the transportation, purchase, sale, housing, care, handling, and treatment of animals intended for use for research or experimental purposes or for exhibition purposes or for use as pets. This law represents a continuing commitment by Congress to the ethic of kindness to dumb animals.

This same deep concern for animals motivates enforcement by the U.S. Department of Agriculture (USDA) of the Animal Welfare Act. The responsible officials in USDA's Animal and Plant Health Inspection Service (APHIS) believe that animal dealers, exhibitors, operators of auction sales, and researchers all perform useful and necessary functions in society. Inspectors follow the philosophy of aiding these industries in doing a better job of caring for animals--thereby improving, rather than inhibiting the industry. For every hour spent investigating violations to support legal action, approximately 50 hours are spent in helping the regulated industry improve its facilities and care and housing of animals.

This report gives details on these enforcement activities. As required by Section 25 of the Animal Welfare Act, the Secretary of Agriculture herewith is providing Congress with information about:

- (1) the identification of all research facilities, exhibitors, and other persons and establishments licensed by the Secretary under Section 3 and Section 12 of the Act;
- (2) the nature and place of all investigations and inspections conducted by the Secretary under Section 16 of the Act, and all reports received by the Secretary under Section 13 of the Act; and
- (3) recommendations for legislation to improve the administration of the Act or any provision thereof.

These points, covering calendar year 1974, are entered and commented on in the text and tables that follow.

research institutions. Those who cease regulated research are placed on "inactive" list, but they can be reactivated on request. Since passage of the 1966 Act, 86 registered research facilities and 32 exhibitors have been placed on inactive status (See Appendix, Table 2).

DEALER AND HOLDING FACILITIES

"Licensed dealers" are persons and businesses such as animal breeders, wholesale pet dealers, suppliers of laboratory animals or specimens, traders and importers of wild animals, dog and cat auctions, animal transporters, and animal brokers.

Exempt from licensing as dealers are retail pet stores, certain hobby breeders, public animal shelters, trade-day sales, dealers in non-regulated species, and common carriers.

"Holding facilities" are agents of licensed dealers caring for animals on separate premises. Holding facilities are not licensed separately but since the animals involved belong to a licensed dealer, holding facilities must be approved and inspected for compliance with USDA regulations and standards.

Animal Exhibitors

"Exhibitors" are persons or businesses who exhibit animals which were purchased in commerce or the intended distribution of which affects commerce, to the public, for compensation or profit, but specifically including carnivals, circuses, and zoos whether operated for profit or not. Exhibitors can be licensed or registered. "Licensed exhibitors" are those exhibitors which sell, transport, or offer for transportation, affecting commerce, to any research facility or for exhibition or for use as a pet any animal; or buy, sell, offer to buy or sell, transport or offer for transportation, affecting commerce, any animal, to or from another dealer or exhibitor under the Act. All other exhibitors must register with the Secretary.

Licensed exhibitors pay annual fees; registered exhibitors by law do not pay fees. However, both types of exhibitors are bound by the same standards of animal care.

Currently exempt from both registration and licensing as exhibitors are private animal collections, wild animal sanctuaries, hunting preserves, purebred dog or cat shows and similar events, farm exhibits, horse shows and rodeos, and exhibitors of nonregulated species.

Research Facilities

All "research facilities" using animals regulated under the Act are registered and pay no fees. They must comply with regulations and standards under the Act. Types of research facilities presently registered are State-owned and privately-owned laboratories, clinics, hospitals, colleges, universities and drug firms.



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Inspectors check on the care and comfort of exhibit animals. For example, they make sure that handlers change chains on elephants from one foot to another often enough to avoid skin irritation.

During 1974, legal action was taken mainly through administrative procedures instead of criminal prosecution in Federal courts. Penalties under administrative proceedings are limited to suspending or revoking a license and imposing a cease-and-desist order, which is similar to an injunction. Failure to obey a cease-and-desist order can result in a civil penalty up to \$500 per violation for each day a violation continues.

Legal action was taken on 31 cases during 1974. The following are examples:

A California wild animal dealer who shipped a Bengal tiger to another State was charged with operating without a license and shipping the tiger in a substandard cage without feed, water, or adequate veterinary care. A hearing has tentatively been scheduled for April 1975.

A licensed dealer operating in Iowa was charged with violating seven animal care standards when he was in business in Kansas. His license was revoked.

A licensed dealer in Kansas was charged with shipping dogs to another State without the proper forms and identification and without meeting the standards for shipping cages. He agreed to an order to cease and desist from such violations in the future.

A licensed dealer in Ohio was charged with being late in filing his 1973 annual report and transmittal of the license fee. He agreed to an order to cease and desist from such violations in the future.

A South Dakota dealer was charged with substandard care of dogs, incomplete records, and improper identification of dogs. He agreed to an order to cease and desist from such violations in the future.

In Washington, a dog dealer was charged with selling and shipping puppies to another State without being licensed. The dealer then secured a license and agreed to cease and desist from operating without a license in the future. Another licensed dealer in Washington was charged with improper recordkeeping, deficient facilities, and substandard care for cats kept at one or both of two locations. A hearing on the matter was set for February 1975.

PUBLIC INFORMATION ACTIVITIES

A public information officer of the APHIS Information Division is assigned to cover animal welfare activities. Information is distributed through public media by the USDA Office of Communication and/or regional information offices of the Department. Lists are maintained to make mailings of publications to humane societies; to associations that serve licensees and registrants; to publishers of pet magazines; and to other national, regional, State, and local organizations that publish information on animal care.

Other Departments of Government regulate activities of some of the same persons and businesses regulated by USDA under the Animal Welfare Act. During 1974, APHIS consulted with these other agencies to prevent duplicating inspections and to avoid conflicting regulations and standards.

Departments involved in these consultations were: (1) The U.S. Department of the Interior which enforces the Lacey Act (limiting importation of injurious species) and the Endangered Species Act; (2) the U.S. Department of Commerce and the U.S. Department of the Interior which, together, enforce the Marine Mammal Protection Act; (3) the Civil Aeronautics Board which sets air freight tariffs and related rules; and (4) the U.S. Department of Transportation which sets standards on the safe operation of aircraft.

HUMANE CARE IN LABORATORIES

Our society owes its good health and long lifespan to medical research. This research, in turn, is dependent on laboratory animals. Laboratory animals helped mankind achieve key medical advances, such as modern surgical techniques and modern drugs, antibiotics, and vaccines. Without data collected from animals, diabetics would be untreated, disease would be rampant, and high blood pressure would be unrelieved.

As expressed by Congress, the Animal Welfare Act is not meant to interfere with research in any way. Its purpose is to assure that research and experimentation are conducted with proper care and comfort for laboratory animals and with compassion for any pain and distress caused by experimentation. Thus, the Act includes provisions for requiring the use of appropriate anesthetics, analgesics, and tranquilizers.

An institution's attending veterinarian, who is a member of its animal care committee, must review the protocol for every experiment and certify that no unnecessary pain or distress is involved, that pain or distress can be relieved by the use of drugs, or that the use of pain-relieving drugs will interfere with the objectives of the experiment.

The institution must submit to USDA an annual report, summarizing the use of animals in biomedical research, tests, or experimentation. The report must identify all animal experiments involving pain and justify all instances in which pain or distress could not be relieved. An administrative official legally responsible for the entire research institution must sign and attest to the accuracy of the report.

Each statement to justify unrelieved pain or distress is reviewed by the Animal Care Staff. APHIS veterinarians also observe animals under experimentation during on-site inspections.

Appendix Tables 5, 6, 7, and 8 summarize the reports received from registered research facilities for 1974. Late in 1974, a revised reporting form was distributed which requested the number of animals exposed to unrelieved pain. The 1973 form did not request the number of animals, only

the number of experiments involving unrelieved pain. So, some institutions could not furnish information on the number of animals involved, and their reports had to be tabulated separately.

Research institutions indicated that almost all instances of unrelieved pain occurred during research, development, or quality control of health products. Tests with animals are required in some instances to obtain data to keep such products safe, pure, and effective. Other occasions for unrelieved pain were safety tests that provide data to protect users of chemical products, or experiments involving electroanesthesia, mild electric shock, or decompression.

As indicated earlier in this report, each laboratory is required to provide at least minimum care and creature comforts for research animals. The requirement includes daily inspection of animals by their caretakers under professional supervision. Sick animals must receive prompt and professional veterinary care. Thus, even in cases where pain-relieving drugs cannot be provided, animals still must receive all possible humane care and treatment.

From our observations, it appears that care of regulated laboratory animals in 1974 was professionally sound, and high standards of humane treatment of laboratory animals were observed.

PROPOSED LEGISLATIVE CHANGES

The Department is reviewing some suggested amendments to the Act. These will require further review within the Executive Branch and have not reached a point where inclusion in this report would be appropriate. These suggested amendments are now in the Department's legislative review process and, if approved, will be submitted to the Congress for its consideration.

State	Licensed dealers	Animal exhibitors		Registered research facilities
		Licensed	Registered	
<i>Other</i>				
Oklahoma	110	6	1	8
Oregon	94	9	1	9
Pennsylvania	92	24	56	63
Rhode Island	6	1	3	9
South Carolina	12	2	12	3
South Dakota	41	6	-	2
Tennessee	13	4	8	10
Texas	79	26	27	19
Utah	9	2	-	7
Vermont	40	-	4	7
Virginia	51	4	13	18
Washington	22	6	6	17
West Virginia	17	-	3	1
Wisconsin	78	3	120	22
Wyoming	9	-	3	3
Puerto Rico	21	3	16	1
Virgin Islands	-	-	-	-
Dist. of Columbia	-	-	-	7

State	Licensed dealers	Animal exhibitors		Registered research facilities
		Licensed	Registered	
Oklahoma	30	-	4	1
Oregon	21	2	-	-
Pennsylvania	37	2	3	3
Rhode Island	5	-	-	-
South Carolina	3	-	4	-
South Dakota	9	-	1	-
Tennessee	6	-	1	-
Texas	36	6	1	2
Utah	5	-	-	-
Vermont	8	-	1	-
Virginia	31	-	-	-
Washington	5	-	2	2
West Virginia	8	1	-	-
Wisconsin	33	-	2	2
Wyoming	7	-	-	-
Puerto Rico	4	-	-	-
Virgin Islands	-	-	-	-
Dist. of Columbia	4	-	-	-

State	Prelicensing	Routine	Searches
Oklahoma	64	177	77
Oregon	46	354	132
Pennsylvania	96	1,374	326
Rhode Island	4	219	53
South Carolina	11	97	-
South Dakota	14	155	67
Tennessee	10	174	18
Texas	77	483	169
Utah	4	139	45
Vermont	18	210	165
Virginia	40	220	102
Washington	22	138	60
West Virginia	16	137	151
Wisconsin	96	628	682
Wyoming	4	58	-
Puerto Rico	8	107	-
Virgin Islands	-	-	-

Table 4. Number of allegations

State	Investigated	Closed			Pending
		Cease and desist	License revoked	Notices issued	
Oklahoma	2	-	-	-	2
Oregon	4	1	-	1	2
Pennsylvania	1	-	-	-	1
Rhode Island	1	-	-	-	1
South Carolina	-	-	-	-	-
South Dakota	-	-	-	-	-
Tennessee	-	-	-	-	-
Texas	-	-	-	-	-
Utah	-	-	-	-	-
Vermont	1	-	-	-	1
Virginia	5	-	-	-	5
Washington	2	-	-	-	2
West Virginia	1	1	-	-	-
Wisconsin	1	-	-	-	1
Wyoming	-	-	-	-	-
Puerto Rico	-	-	-	-	-
Virgin Islands	-	-	-	-	-

Table 5. Animals used in experimentation (1974) cont'd.

State	Number of registrants	Number of all animals	Number of animals by species			
			Dogs	Cats	Primate	Other
Oklahoma	6	4,551	1,469	411	106	2,565
Oregon	7	9,646	834	691	3,258	4,863
Pennsylvania	57	69,002	11,319	4,826	2,112	50,745
Rhode Island	6	1,278	181	86	48	963
South Carolina	4	2,678	1,282	233	12	1,151
South Dakota	1	477	11	-	-	466
Tennessee	11	14,393	3,439	416	496	10,042
Texas	31	142,669	18,927	5,061	2,951	115,730
Utah	7	4,098	1,117	509	18	2,454
Vermont	3	1,734	252	72	19	1,391
Virginia	14	28,912	4,450	2,079	3,732	18,651
Washington	17	35,396	3,019	2,202	2,354	27,821
West Virginia	3	3,146	331	83	86	2,646
Wisconsin	23	12,459	2,775	505	345	8,834
Wyoming	3	297	-	8	-	289
Puerto Rico	1	694	550	-	-	144
Virgin Islands	-	-	-	-	-	-
Dist. of Columbia	6	4,266	1,162	1,140	75	1,889

Table 6. Other animals used in experimentation (1974) cont'd.
(A tabulation of animals listed as "other" in Table 5)

State	Rabbits	Hamsters	Guinea pigs	Wild animals
Oklahoma	631	20	1,884	30
Oregon	1,859	562	928	1,514
Pennsylvania	18,978	11,184	20,296	285
Rhode Island	376	453	77	57
South Carolina	443	245	403	60
South Dakota	126	-	300	40
Tennessee	5,274	3,849	887	32
Texas	19,623	55,135	12,454	28,518
Utah	1,776	78	427	173
Vermont	861	62	236	232
Virginia	11,415	1,852	4,746	638
Washington	10,270	3,675	13,547	329
West Virginia	760	250	1,616	20
Wisconsin	6,636	1,154	906	138
Wyoming	65	48	70	106
Puerto Rico	144	-	-	-
Virgin Islands	-	-	-	-
Dist. of Columbia	925	513	451	-

Table 7. Experiments involving pain or distress to animals without use of pain-relieving drugs (1974) cont'd.

State	Number of registrants	Number of experiments	Number of Experiments					Guinea pigs	Wild animals
			Dogs	Cats	Primates	Rabbits	Hamsters		
Montana	-	-	-	-	-	-	-	-	-
Nebraska	1	7	1	-	-	6	-	-	-
Nevada	-	-	-	-	-	-	-	-	-
New Hampshire	-	-	-	-	-	-	-	-	-
New Jersey	1	48	1	-	1	46	-	-	-
New Mexico	-	-	-	-	-	-	-	-	-
New York	1	206	1	6	1	12	100	86	-
North Carolina	1	4	-	-	2	1	-	1	-
North Dakota	-	-	-	-	-	-	-	-	-
Ohio	-	-	-	-	-	-	-	-	-
Oklahoma	-	-	-	-	-	-	-	-	-
Oregon	-	-	-	-	-	-	-	-	-
Pennsylvania	-	-	-	-	-	-	-	-	-
Rhode Island	-	-	-	-	-	-	-	-	-
South Carolina	-	-	-	-	-	-	-	-	-
South Dakota	-	-	-	-	-	-	-	-	-
Tennessee	-	-	-	-	-	-	-	-	-
Texas	-	-	-	-	-	-	-	-	-
Utah	-	-	-	-	-	-	-	-	-
Vermont	-	-	-	-	-	-	-	-	-
Virginia	-	-	-	-	-	-	-	-	-
Washington	-	-	-	-	-	-	-	-	-
West Virginia	-	-	-	-	-	-	-	-	-
Wisconsin	1	16	-	-	-	16	-	-	-
Puerto Rico	-	-	-	-	-	-	-	-	-
Virgin Islands	-	-	-	-	-	-	-	-	-

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